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August 7, 2020

VIA EMAIL

Dr. Josh Smeraldi
USEPA – Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007

Re: Request for Extension of Proposed Remedial Action Plan Public Comment Period
Riverside Industrial Park Superfund Site - Essex County, Newark, New Jersey
CERCLA Docket No. 02-2014-2011

Dear Dr. Smeraldi:

On behalf of PPG Industries, Inc. (“PPG”), I am writing to request that the United States Environmental Protection Agency (“USEPA”) extend the public comment period for the Proposed Remedial Action Plan (the “PRAP”) issued on July 22, 2020 for the Riverside Industrial Park Superfund site (the “Riverside Site”) by 30 days. [40 CFR § 300.430(f)(3)(c) (“Upon timely request, the lead agency *will* extend the public comment period by a minimum of 30 additional days”) (emphasis added).] USEPA currently intends to close the public comment period on August 21, 2020, giving PPG, potentially responsible parties, and the public only 30 days to comment on USEPA’s \$38.9 million proposed plan. A 30-day extension would move the current public comment period deadline to September 21, 2020. An extension is necessary to give the public the opportunity to review and comment on the proposed plan.

USEPA’s PRAP proposes a \$38.9 million remedy with remedial alternatives addressing contamination in wastes, sewer water, soil gas, soil/fill and groundwater. Each proposed alternative in turn contains multiple components, and each component has implications for the different factors USEPA and the community consider in evaluating the PRAP. In sum, USEPA has proposed a very complex remedy for the Riverside Site, and it will take time for stakeholders to evaluate this remedy. This is especially true at the Riverside Site, which consists of 15 separate lots with different owners, and dozens of ongoing and former industrial operations. All of these stakeholders need time to evaluate USEPA’s proposed plan. Moreover, as USEPA knows, multiple parties have expressed interest in potential commercial redevelopment of the Riverside Site (and there may be others unknown to USEPA). USEPA’s proposed plan likely has implications for site redevelopment, which may be addressed through public comment. Rushing through a 30-day comment period does not give the public sufficient time for review and comment on USEPA’s technically complex and expansive proposed remedy.

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In addition, PPG requires additional time to evaluate the PRAP. While the Remedial Investigation/Feasibility Study (“RI/FS”) has been an ongoing, collaborative process with USEPA spanning several years, USEPA’s unilateral actions in modifying the feasibility study report have material implications for the evaluation of USEPA’s preferred remedy in the PRAP. PPG will require additional time to adequately review and evaluate these material modifications to the feasibility study report and their effects on the PRAP.¹

* * *

For the foregoing reasons, PPG requests that USEPA extend the public comment period for the PRAP by 30 days to September 21, 2020.

Sincerely,

A handwritten signature in blue ink, reading "Gary P. Gengel".

Gary P. Gengel, Esq.
of LATHAM & WATKINS LLP

cc: Mr. Scott Krall (PPG)
Mr. Kenneth Bird (Woodard & Curran)
Mr. Thomas Pearce, Esq. (Latham & Watkins LLP)
Mr. William Reilly, Esq. (USEPA)

¹ Additionally, USEPA’s changes to the feasibility study report are currently the subject of an administrative dispute resolution process. Given that material aspects of the feasibility study report, and therefore the PRAP, are currently disputed and may ultimately need to be significantly revised, it would be premature – and potentially a waste of agency resources – for USEPA to close the comment period and proceed with the issuance of a Record of Decision prior to the resolution of these disputes.